

LAWRENCE A. ORGAN (SBN 175503)
larry@civilrightsca.com
MARQUI HOOD (SBN 214718)
marqui@civilrightsca.com
CIMONE A. NUNLEY (SBN 326915)
cimone@civilrightsca.com
CALIFORNIA CIVIL RIGHTS LAW GROUP
332 San Anselmo Avenue
San Anselmo, California 94960
Telephone: (415)-453-7352
Facsimile: (415)-785-7352

J. BERNARD ALEXANDER (SBN 128307)
balexander@amflp.com
ALEXANDER MORRISON & FEHR LLP
1900 Avenue of the Stars, Suite 900
Los Angeles, California 90067
Telephone: (310) 394-0888
Facsimile: (310) 394-0811

MICHAEL RUBIN (SBN 80618)
mrubin@altber.com
JONATHAN ROSENTHAL (SBN 329638)
jrosenthal@altber.com
ALTSHULER BERZON LLP
177 Post Street, Suite 300
San Francisco, California 94108
Telephone: (415) 421-7151
Facsimile: (415) 362-8064

DUSTIN L. COLLIER (SBN 264766)
dcollier@collierlawsf.com
COLLIER LAW FIRM, LLP
240 Tamal Vista Blvd. Suite 100
Corte Madera, CA 94925
Telephone: (415) 767-0047
Facsimile: (415) 767-0037

Attorneys for Plaintiff OWEN DIAZ

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

OWEN DIAZ,
Plaintiff,
v.
TESLA, INC. dba TESLA MOTORS, INC.;
Defendant.

Case No. 3:17-cv-06748-WHO

**PLAINTIFF'S REQUEST FOR LEAVE
TO FILE REPLY BRIEF IN SUPPORT
OF PLAINTIFF'S RENEWED MOTION
FOR MISTRIAL AND MOTION FOR A
NEW TRIAL**

Trial Date: March 27, 2023
Complaint filed: October 16, 2017

1 Plaintiff Owen Diaz respectfully requests leave to file the accompanying reply brief in
 2 support of Plaintiff's Notice of New Evidence in Support of Renewed Motion for Mistrial and
 3 Motion for a New Trial.

4 Because the new evidence was marked "CONFIDENTIAL" and was subject to a
 5 protective order, Mr. Diaz was unable to describe its contents in his Notice of New Evidence or
 6 to explain in any detail why Tesla should have produced [REDACTED] in
 7 this *Diaz* case and why its failure to have produced those documents was prejudicial.

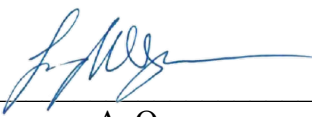
8 Tesla principally argues in its response that it had no obligation to disclose [REDACTED]
 9 [REDACTED], and that even if it did have a
 10 disclosure obligation, its withholding of that evidence was not prejudicial. Plaintiff seeks leave to
 11 file this short reply brief to rebut those assertions and thus to show: (1) why Tesla was obligated
 12 to produce the new evidence and [REDACTED] during pre-trial discovery in
 13 the *Diaz* case; (2) how Tesla's failure to produce [REDACTED]
 14 [REDACTED]
 15 [REDACTED], prejudiced Mr. Diaz and is relevant to the issues
 16 pending before the Court.

17 While Tesla also makes additional arguments regarding the standards governing the
 18 pending motions, Mr. Diaz does not address them in the accompanying proposed Reply because
 19 they were adequately addressed in his previous briefing.

20 For these reasons, good cause exists to permit Mr. Diaz to respond to the arguments set
 21 forth in Tesla's response.

22 DATED: August 18, 2023

Respectfully submitted,

23
 24 
 25 _____
 26 Lawrence A. Organ
 27 CALIFORNIA CIVIL RIGHTS LAW GROUP
 28 ALEXANDER MORRISON + FEHR LLP
 ALTSHULER BERZON LLP
 COLLIER LAW FIRM, LLP
 Attorneys for Plaintiff OWEN DIAZ